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10/017,654	12/12/2001	Akseli Anttila	NC28554;BW04770.00031	7848

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EXAMINER	
TIV, BACKHEAN	

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/017,654	ANTTILA ET AL.	
	Examiner	Art Unit	
	Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20,23-25 and 30-37* is/are pending in the application.

4a) Of the above claim(s) *21-22,26-29* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20,23-25 and 30-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Claims 1-20,23-25, 30-37 are pending in this application. Claims 21-22, and 26-29 are withdrawn from consideration. Claims 30-37 are new claims. This is a response to the RCE/Remarks filed 2/7/06.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 34, 36,37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 34 recites the limitation "the computer-readable medium". There is insufficient antecedent basis for this limitation in the claim.

Claim 36 recites the limitation "the other terminal". There is insufficient antecedent basis for this limitation in the claim.

Claim 37 recites the limitation "the first terminal". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5,8-20,23-25, 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,425,131 issued to Crandall et al.(Crandall) in view of US 6,223, 211 issued to Hamilton et al.(Hamilton).

As per claims 1, 11, 30-34,36-37, Crandall teaches method for synchronous media playback, comprising the steps of:

a communication interface(Fig.1); a storage medium(Fig.1); a media player(Fig.1);

(a) transmitting a media playback invite request received from a first terminal to a second terminal, wherein the first terminal is associated with a host user and the second terminal is associated with guest user(Abstract, Figs.1-3, col.2, lines 25-36);

(b) relaying a media playback accept response from the second terminal to the first terminal(col.4, lines 25-28).

Crandall however, does not explicitly teach (c) distributing a start playback request from the first terminal to the second terminal, wherein the start playback request directs the second terminal to begin a playback session of a media file that is locally stored on the second terminal in synchronization with the first terminal. Crandall, col.3, lines 18-29,col.5, lines 1-42, Fig.1, teaches broadcasting of MPEG-compressed digital data stream, from one terminal(Internet/Online Subscriber) to another terminal(CATV subscriber). There is a suggestion of a synchronization between two terminals in Fig.1, element 180, 128. The picture of the baby is shown on both terminals.

Hamilton explicitly teaches synchronizing playback of a medial file between two terminal(Claim 16) and locally storing the media file in the second terminal(Claim 16, Fig.2 element 63; video memory).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Crandall to explicitly synchronize playback of a media file between two terminals and locally storing in the one of the terminal as taught by Hamilton in order to display a multimedia program to a viewer(Hamilton, col.1, lines 55-65).

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Crandall and Hamilton in order to provide a system to provide a multimedia to a user without problems of latency(Hamilton, Abstract, col.1, lines 15-65).

As per claim 2,12, further comprising the step of:

(d) distributing an action request between the first terminal and the second terminal during the playback session(Crandall, Abstract, Figs.1-3, col.3, lines 18-27).

As per claim 3, the method of claim 2, further comprising the step of: verifying permissions associated with the first terminal or the second terminal before executing step (d)(Crandall, col.4, lines 25-29).

As per claim 4, the method of claim 2, wherein the action request is selected from the group consisting of a rewind request, a pause playback request, a fast forward request, a textual comment request, and a user-specified internal effect algorithm to

modify audio or video of the media file(Crandall, Abstract, Figs.1-3, col.1, lines 5-10, col.2, lines 24-36, col.5, lines 10-22).

As per claim 5,13, further comprising the step of:

(d) distributing a stop playback request from the first terminal to the second terminal in response to the host user terminating the playback session(Crandall, col.5, lines 11-25).

As per claim 8, the method of claim 1, further comprising the steps of

(d) receiving a stop playback request from the second terminal in response to the guest user withdrawing from the playback session(Crandall, col.3, lines 18-28); and

(e) removing a session entry that is associated with the second terminal, wherein the session entry indicates participation of the second terminal in the playback session(Crandall, col.3, lines 18-28, col.5, lines 11-31).

As per claim 9, the method of claim 1, further comprising the steps of

(d) receiving a stop playback request from the first terminal in response to the host user ending the playback session(Crandall, Abstract, Figs.1-3, col.2, lines 47-58); and

(e) terminating the playback session in response to step (d)(Crandall, Abstract, Figs.1-3, col.2, lines 47-58).

As per claim 10, method of claim 1, further comprising the steps of

(d) instructing the second terminal to modify the media file in accordance with a modification file during the playback session(Crandall, Abstract, Figs.1-3, col.2, lines 47-58).

As per claim 14,23 a method for synchronous media playback and messaging for a host user, the method comprising the steps of

(a) sending a media playback invite request to an other terminal in response to a host user initiating an invitation to a guest user, wherein the guest user is associated with the other terminal(Abstract, col.2, lines 20-58);

(b) receiving a media playback accept response from the other terminal in response to step (a)(col.2, lines 20-58); and

(c) sending a start playback request to the other terminal in response to step (b), wherein the start playback request begins a playback session of a media file in synchronization with the host user(col.2, lines 20-58,col.3, lines 18-28, col.5, lines 1-42, Fig.1).

As per claim 15,24, further comprising the step of:

(d) sending an action request to the other terminal, in response to the host user initiating the request(Crandall, Abstract, col.5, lines 10-20).

As per claim 16,25, the method of claim 14, further comprising the step of:

(d) receiving an action request from the other terminal, in response to the guest user initiating the request(Crandall, Abstract, col.5, lines 10-22).

As per claim 17, the method of claim 15 or claim 16, wherein the action request is selected from the group consisting of a rewind request, a pause playback request, a fast forward request, a textual comment, and a request for a user-specified internal effect algorithm to modify audio or video of the media file(Crandall, Abstract, Figs.1-3, col.1, lines 5-10, col.2, lines 24-36, col.5, lines 10-22).

As per claim 18, the method of claim 14, further comprising the step of:

(d) sending a stop playback request to the other terminal in response to the host user terminating the playback session(Crandall, Abstract, Figs.1-3, col.1, lines 5-10, col.2, lines 24-36, col.5, lines 10-22).

As per claim 19, the method according to any of the claims 14, 15, 16 or 18, wherein the requests are processed through a server(Crandall, Figs.1-3).

As per claim 20, the method of claim 14, wherein steps (a), (b), and (c) utilize a wireless communications channel(Crandall, Figs.1-3).

As per claim 35, the central server of claim 34, wherein the computer-readable medium comprises more than one logical components(Crandall, Figs.1-3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,425,131 issued to Crandall et al.(Crandall) in view of US 6,223, 211 issued to Hamilton et al.(Hamilton) in further view of US Publication 2002/0095612 issued to Furhrer et al.(Furhrer).

Crandall in view of Hamilton, teaches all the limitations of claim 1, however does not explicitly teach as per claim 6, and 7, the use of internal time in a device which is derived from a global time to synchronize communication link.

Furhrer teaches the use of internal time in a device which is derived from a global time to synchronize communication link(Abstract, paragraph 26).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Crandall in view of Hamilton to use the internal time in a device which is derived from a global time to synchronize communication between two devices as taught by Furhrer in order to make sure that two devices have synchronized communication.

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Crandall, Hamilton, and Furhrer in order to provide a system where data transmission from one device to another are synchronized.

Response to Arguments

Applicant's arguments with respect to claims 1-20,23-25, 30-37 have been considered but are moot in view of the new ground(s) of rejection.

The Amendment filed on 2/7/06 by the applicant, in particular claim 1, recited "playback session of a media file that is locally stored on the second terminal". This is an error, verified by Shawn Gorman Reg# 56197. The claim limitation should read, "playback session of a media file in synchronization with the first terminal".

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

US Patent 5,784,527 issued to Ort, Abstract

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Backhean Tiv
2151
4/13/06

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER